

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Sal N. DiDomenico

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to language access and inclusion.

PETITION OF:

NAME:

Sal N. DiDomenico

DISTRICT/ADDRESS:

Middlesex and Suffolk

SENATE No.

[Pin Slip]

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1990 OF 2023-2024.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act relative to language access and inclusion.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 [Legislative Statement]

2 Consistent with Title VI of the Civil Rights Act of 1964, Executive Order No. 13166 and
3 federal rules and regulations adopted in implementation thereof, this legislation seeks to codify
4 and expand federally enacted protections for Limited English Proficient (LEP) and deaf or hard
5 of hearing persons to receive equal access to services, programs, and activities from public-
6 facing state agencies of the Commonwealth.

7 SECTION 1. Chapter 6 of the General Laws is hereby amended by inserting after section
8 222 the following section:-

9 Section 223. The office of access and opportunity.

10 (a) There shall be within the office of the governor an office of access and
11 opportunity (the “OAO”) to ensure ready access to the status of and advise on the work
12 conducted by the OAO.

13 (b) The OAO shall be led by a deputy chief, access and opportunity (the “deputy
14 chief”), who shall be appointed by the governor and directly report to the governor’s chief of
15 staff. The deputy chief shall advise the governor and the cabinet and work to foster within state
16 government non-discrimination and equal opportunity for all irrespective of race, color, age,
17 gender, ethnicity, sexual orientation, gender identity or expression, religion, creed, ancestry,
18 national origin, disability, veteran or active military status (including Vietnam-era veterans), or
19 socio-economic background.

20 (c) There shall be a steering committee on access and opportunity (the “steering
21 committee”) which the deputy chief will chair and convene regularly for advice on the state of
22 access and opportunity across the executive branch and how best to achieve goals of the OAO.
23 The steering committee shall include: the chief human resources officer, human resources
24 division; assistant secretary, operational services division; executive director of the
25 Massachusetts supplier diversity office; director of office of diversity and equal opportunity;
26 director of Massachusetts office on disability; commissioner, division of capital asset
27 management and maintenance; director, compliance unit, division of capital asset management
28 and maintenance; the chief operating officer, Massachusetts Department of Transportation;
29 deputy director, office on diversity and civil rights, Massachusetts Department of Transportation;
30 secretary of the Executive Office of Labor and Workforce Development or their designee;
31 secretary of the Executive Office of Veterans’ Services or their designee; and representative(s)
32 designated by the Secretary of the Executive Office of Education.

- 33 (d) The deputy chief shall have the following responsibilities:
- 34 (1) collaborate with and maximize relevant initiatives, work and potential of all
35 existing executive branch agencies, offices and resources with the explicit goal of:
- 36 (i) increasing the total number of and dollar volume earned by MBEs, WBEs, and
37 DBEs contracting with or doing business for the state; and
- 38 (ii) maintaining or increasing the number of minorities, veterans and individuals with
39 disabilities who are state employees;
- 40 (2) develop with partnering agencies and offices, in consultation with the Steering
41 Committee:
- 42 (i) an integrated body of policies and actions that reflect best practices and remove
43 barriers to advance non-discrimination and equity in access to and opportunity in employment,
44 procurement and the provision of services within state government;
- 45 (ii) ideas on how best to implement and incentivize compliance with such policies
46 and procedures; and
- 47 (iii) performance metrics focused on outcomes, such as increasing the total number of
48 and dollar volume earned by MBEs, WBEs, DBEs contracting with or doing business for the
49 state; and maintaining or increasing the number of minority, veterans and individuals with
50 disabilities who are state employees;
- 51 (3) convene meetings of key offices, individuals and external stakeholders as needed
52 to accomplish specified objectives, resolve issues, and make and implement recommendations;

53 (4) identify state laws and regulations that obstruct or frustrate the state’s ability to
54 provide within its own operations equity in access and opportunity for all persons;

55 (5) serve as a liaison to pertinent commissions, councils, task forces and offices
56 throughout state government as needed to accomplish and advance the OAO’s goals; and

57 (6) develop for adoption administrative orders and bulletins to further the OAO’s
58 goals, and prepare such other reports necessary to keep the Governor appropriately apprised of
59 the work of the OAO.

60 (e) All state agencies shall provide assistance to the OAO by sharing information and
61 expertise, as requested.

62 SECTION 2. The General Laws are hereby amended by inserting after chapter 6E the
63 following chapter:

64 CHAPTER 6F.

65 LANGUAGE ACCESS AND INCLUSION.

66 Section 1. Definitions. For the purposes of this Act, the following terms shall have the
67 following meanings—

68 “Auxiliary aids and services” mean items, equipment or services that provide effective
69 communication access for persons with communication disorders including but not limited to
70 persons who are deaf, hard of hearing, late deafened or blind.

71 “Culturally competent” means having a set of behaviors, attitudes and policies that
72 enables effective work in cross-cultural situations which respects and responds to an individual

73 person’s culture and language, in a nonjudgmental and supportive manner, considering the
74 service recipient as an individual and not making assumptions based on perceived or actual
75 membership in any group or class.

76 “Equal access” means to be informed of, participate in, and benefit from public programs
77 or services offered by a public-facing state agency, at a level equal to English proficient persons.

78 “Language access plan” is an administrative blueprint that defines the obligations and
79 action plan of a public-facing state agency to comply with this Act. The plan shall outline all
80 policies, procedures, and guidance enacted to ensure the provision of language access services as
81 a constitutive element of equal access to state benefits, services, and activities. The plan shall
82 also establish deadlines by which remedial or proactive actions to ensure language access will
83 be taken, identify personnel responsible for implementation of the plan and establish priorities
84 relative to the implementation of these plans.

85 “Language access services” means oral language services and written translation
86 services, including auxiliary aids and services.

87 “Limited English proficient” or “LEP” are persons whose primary language is not
88 English or who have a limited ability to speak, read, write or understand English.

89 “Machine translation” is when computer software is utilized for the automated translation
90 of a text from one language to another and vice versa without human intervention.

91 “Oral interpretation” means the act of listening, understanding and analyzing a spoken
92 message in one language and re-expressing that message faithfully, accurately and objectively in

93 another language and vice versa, enabling communication between two or more persons who do
94 not speak one another's languages.

95 "Oral language services" means the various methods of providing verbal information and
96 interpretation through staff interpreters, bilingual or multilingual staff, telephone interpreter
97 services, or private interpreter services.

98 "Outside service providers" include, but are not limited to, organizations or other persons
99 that formally or informally, through direct or in-kind compensation, contracts, provides, or
100 administers services which the relevant public-facing state agency is required to provide or
101 requires, recommends or refers its clients to utilize.

102 "Primary language" means the language in which an LEP person can most effectively
103 and comfortably communicate.

104 "Public contact position" means a position determined by the public-facing state agency
105 to be one that includes meeting, contacting and dealing with the public in the performance of the
106 agency's functions.

107 "Public-facing state agency" means a Massachusetts executive office, department, or
108 division thereof that provides assistance, services or information to the public. Any state agency
109 included in the implementation schedule of this Act shall be identified as a "public-facing state
110 agency" or when deemed as such under Section 9(a)(6) of this Act.

111 "Qualified bilingual employee" means a staff person who is proficient in both the English
112 language and a non-English language. Qualified bilingual employees may be categorized as
113 "Tier 1 Bilingual Employees" or "Tier 2 Bilingual Employees".

114 “Qualified interpreter” is a person who is fluent in both the English language and a non-
115 English language and who, by certification, training or experience, is able to (1) perform
116 consecutive interpretation; (2) maintain the tone, style, and complex meaning of speech from one
117 language to another and vice versa; (3) convey cultural nuances; and (4) remain impartial in all
118 interpreted interactions.

119 “Qualified multilingual employee” means a staff person who is proficient in the English
120 language and more than one non-English language. Qualified multilingual employees may be
121 categorized as “Tier 1 Multilingual Employees” or “Tier 2 Multilingual Employees”.

122 “Qualified translator” means a person who is fluent in writing, reading and proofreading
123 in both the English language and a non-English language and who, by certification, training or
124 experience is able to (1) render a text from one language into another language and vice versa;
125 (2) maintain the tone, style and complex meaning of the original text from one language to
126 another and vice versa; (3) convey cultural nuances; and (4) remain impartial in the translation
127 process.

128 “Vital document” means a document or communication, in print or digital form,
129 containing information that, if not provided accurately or in a timely manner, affects a person’s
130 rights or access to, retention in, denial or termination of services, benefits or programs,
131 including, but not limited to, applications, consent forms; complaint forms; intake forms;
132 informational material on eligibility for benefits; notices; requests for documentation or
133 information; documents that must be provided by law; and notices regarding the availability of
134 free language assistance services for LEP persons.

135 “Written translation” means the rendering of a written text from one language to an
136 equivalent written text of another language.

137 Section 2. Communications with the public.

138 (a) A public-facing state agency shall provide equal access to services, programs,
139 and activities serving limited English proficient and deaf or hard of hearing persons by the
140 provision of the following services:

141 (1) Oral interpretation and auxiliary aids and services

142 (i) A public-facing state agency shall provide timely, culturally competent oral
143 language services to all LEP persons or auxiliary aids and services to deaf or hard of hearing
144 persons who seek to access state services, programs, or activities or those of outside service
145 providers.

146 (ii) A public-facing state agency shall notify every person of their right to timely oral
147 interpretation in their primary language or auxiliary aids and services, regardless of their status
148 as an inquirer into, applicant for, recipient or beneficiary of a state service, program, or
149 information.

150 (iii) A public-facing state agency shall utilize qualified interpreters or Tier 1 bilingual
151 or multilingual employees to provide oral language services or auxiliary aids and services.

152 (iv) A public-facing state agency may contract with telephone-based interpretation
153 services or community-based organizations to provide interpretation to LEP and deaf or hard of
154 hearing persons or utilize Tier 1 bilingual or multilingual employees.

155 (v) A public-facing state agency that contracts or utilizes an outside service provider
156 to fulfill the agency's responsibilities to the public shall ensure that the outside service provider
157 implements the requirements of Section 2(a)(1) of this Act.

158 (2) Written translation

159 (i) A public-facing state agency shall issue vital documents in the following
160 languages: Arabic, Cape Verdean Creole, Chinese (Simplified and Traditional), French, Haitian
161 Creole, Khmer, Korean, Portuguese, Russian, Spanish, Vietnamese and any other languages
162 deemed necessary by the agency's assessments required under Section 4 of this Act.

163 (ii) A public-facing state agency shall translate all notices and materials that explain
164 its services in the languages stated in Section 2(a)(2)(i) of this Act..

165 (iii) A LEP person whose primary language is not required to be translated into
166 writing under Section 2(a)(2)(i) of this Act is entitled to the oral interpretation of vital
167 documents, notices and materials into their primary language.

168 (iv) A public-facing state agency shall utilize qualified translators or Tier 1 bilingual
169 or multilingual employees, to translate vital documents.

170 A) State agencies shall not solely rely on machine translation to translate vital
171 documents.

172 B) State agencies shall have qualified translators or Tier 1 bilingual or multilingual
173 employees verify all translations of vital documents generated through machine translation
174 before such documents are published, conveyed, sent, or posted.

175 (v) A public-facing state agency that contracts or utilizes an outside service provider
176 to fulfill the agency's responsibilities to the public shall ensure that the outside service provider
177 implements the requirements of Section (2)(a)(2) of this Act.

178 (3) Websites

179 (i) If a public-facing state agency maintains one or more websites for use by the
180 public, the agency shall provide the website in the following languages: Arabic, Cape Verdean
181 Creole, Chinese (Simplified and Traditional), French, Haitian Creole, Khmer, Korean,
182 Portuguese, Russian, Spanish, Vietnamese and any other languages deemed necessary by the
183 agency's assessments required under Section 4 of this Act.

184 A) The state agency shall ensure that its websites and online application materials are
185 mobile compatible and that they satisfy or exceed the official Federal Plain Language
186 Guidelines, March 2011, Rev. 1, May 2011 for the Plain Writing Act of 2010.

187 (ii) Agencies shall not solely rely on machine translation to translate its websites.

188 A) A public-facing state agency shall utilize qualified translators or Tier 1 bilingual or
189 multilingual employees to verify the translation of its websites for accuracy.

190 (iii) A public-facing state agency that maintains one or more websites for use by the
191 public shall (1) provide forms and instructions for submitting complaints of alleged violations of
192 this Act; (2) link such and instructions on the homepage of the state agency's website; and (3)
193 translate all such forms and instructions into the languages listed in Section 2(a)(3)(i) of this Act.

194 Section 3. Language access plan.

195 (a) A public-facing state agency shall develop a language access plan every 2 years based
196 on community and agency assessments required by Section 4 of this Act, to guide the provision
197 of language access services to LEP and deaf or hard of hearing persons. When drafting the
198 language access plan, a public-facing state agency shall ensure that:

199 (1) a summary of the rights of LEP and deaf or hard of hearing persons to oral
200 interpretation or auxiliary aids and services, respectively, and the public-facing state agency's
201 obligations to protect these rights are detailed at the outset of the language access plan;

202 (2) the mandated translated languages are listed, as required by Section 2(a)(2)(i) and
203 Section 2(a)(3)(i);

204 (3) a plan of action is instituted for the implementation of all provisions of Sections 2, 4,
205 5 and 7 of this Act;

206 (4) the plan is made publicly available in the translated languages required by Section
207 2(a)(2) on the main page of the public-facing state agency's website and in its central and local
208 offices; and

209 (5) a complaint process is developed with complaint forms that are publicly accessible on
210 the main page of the public-facing state agency's website and in its central and local offices.

211 Section 4. Assessments.

212 (a) Community needs assessment.

213 (1) A public-facing state agency shall conduct a community needs assessment every 2
214 years that compiles data on the language composition of the agency's eligible populations,
215 including American Sign Language. The community needs assessment shall also collect data on

216 the engagement and interaction of eligible populations with the public-facing state agency. The
217 agency shall determine:

218 (i) the percentage of the eligible service population who are LEP or deaf or hard of
219 hearing;

220 (ii) the primary languages used by LEP or deaf or hard of hearing persons in all
221 geographic areas the agency serves its eligible populations ;

222 (iii) the frequency with which the agency provides services to LEP or deaf or hard of
223 hearing persons;

224 (iv) all points of contact whereby the eligible populations can engage with the public-
225 facing state agency; and

226 (v) all potential language or language-related barriers that may arise in the engagement of
227 eligible populations with the public-facing state agency.

228 (b) Internal state agency assessments.

229 (1) A public-facing state agency shall conduct a language services inventory every 2
230 years to identify available language services and staff to serve LEP persons and deaf or hard of
231 hearing persons. A public-facing state agency shall:

232 (i) determine the number of qualified bilingual or multilingual employees in public
233 contact positions in each central and local office, who can provide linguistically, culturally and
234 technically proficient language access services. This data shall be disaggregated by language and
235 by the Tier 1 and Tier 2 classification required by Section 5(b)(3) of this Act.

236 (ii) detail the language access services, including technology and equipment, available
237 within the state’s resources or under state contracts, including in-person interpretation, telephone
238 interpretation, video interpretation, translation and auxiliary aids and services.

239 (2) A public-facing state agency shall generate a language access status report every 2
240 years of each of its statewide and local offices evaluating the agency’s capacities in serving LEP
241 and deaf or hard of hearing persons. This status report shall include the following:

242 (i) a calculation of the percentage of LEP and deaf or hard of hearing persons presently
243 served by the public-facing state agency’s central and local offices, categorized by primary
244 language;

245 (ii) a determination of whether the current oral language and written translation services
246 are effectively meeting the language needs of LEP persons served by the public-facing state
247 agency;

248 (iii) a determination of whether the current auxiliary aids and services are effectively
249 meeting the language needs of deaf or hard of hearing persons served by the public-facing state
250 agency;

251 (iv) a description of the agency’s procedures for identifying vital documents for
252 translation;

253 (v) an evaluation of whether contracted interpreter services are effectively meeting the
254 language needs of LEP and deaf or hard of hearing persons;

255 (vi) an evaluation of operational protocols for staff to effectively access language access
256 services as outlined in Section 5(c) of this Act;

257 (vii) an evaluation of staff proficiency to effectively and appropriately utilize language
258 access services as outlined in Section 5(c) of this Act;

259 (viii) a description of any language access training the public-facing state agency
260 provides to its staff to ensure the agency is effectively serving provision of services to LEP and
261 deaf or hard of hearing persons individuals, including the frequency of training, and date of most
262 recent training;

263 (ix) a determination of whether the allocation and assignment of qualified bilingual and
264 multilingual employees to central and local offices is effectively meeting the identified language
265 needs in those offices;

266 (x) an evaluation of agency procedures for recruiting and retaining qualified bilingual or
267 multilingual employees in central and local offices; and

268 (xi) a description of the public-facing state agency's procedures for receiving and
269 resolving complaints regarding language access as well as the number of complaints received.

270 (c) The assessments in this Section shall be completed prior to the drafting of the
271 language access plan as required by Section 3 of this Act. The results of these assessments shall
272 inform all content, policies, recommendations and guidance in the language access plan.

273 Section 5. Personnel.

274 (a) Language access coordinator.

275 (1) A public-facing state agency shall designate a language access coordinator whose sole
276 responsibility on a full-time basis shall be to address language access needs and the public-facing

277 state agency's compliance with this Act, in consultation with the language access advisory board
278 established in Section 6 of this Act.

279 (2) Language access coordinators shall maintain a centralized, electronic, searchable
280 language access database of the following:

281 (i) all formal and informal requests for language access services and the status of those
282 requests;

283 (ii) all language access-related complaints, including complaints of language
284 discrimination and/or disability discrimination in cases of the deaf or hard of hearing;

285 (iii) the status and progress of all such requests and complaints;

286 (iv) the resolution of all such requests and complaints, including decisions by the regional
287 and central offices;

288 (v) the reasons for full and partial denials of requests for language services; and

289 (vi) the office(s) handling the relevant case or request for service.

290 (3) A public-facing state agency may also designate regional language access
291 coordinators to address the language access needs of relevant regions and train the regions' staff
292 on compliance with this Act.

293 (i) Regional language access coordinators shall report to the language access coordinator
294 of their respective public-facing state agency's central office.

295 (b) Staffing.

296 (1) A public-facing state agency shall employ a sufficient number of qualified bilingual
297 or multilingual employees in public contact positions or as interpreters to assist employees in
298 public contact positions, to ensure the provision of information and services in a person's
299 primary language.

300 (2) A bilingual or multilingual staff member shall not provide interpretation in adversarial
301 proceedings when the public-facing state agency that employs the bilingual or multilingual staff
302 member is a party to the proceedings.

303 (3) A bilingual or multilingual staff member may provide language services to LEP and
304 deaf or hard of hearing persons, in accordance with their skill level as determined by the
305 language access coordinator. A state agency shall classify bilingual or multilingual employees
306 into one of two tiers, and shall only provide interpretation services in accordance with that tier as
307 follows:

308 (i) Tier 1 bilingual or multilingual employee: Tier 1 employees must have formal
309 certification, training, or sufficient experience in interpretation in the specific subject matter. If
310 the employer does not regularly employ a person that may be classified as a Tier 1 employee, the
311 employer must hire a third-party contractor to fulfill the need for interpretation services Tier 1
312 employees shall agree to abide by the ethical and confidentiality requirements for interpreters
313 and translators in accordance with the American Translators Association Code of Ethics and
314 Professional Practice.

315 (ii) Tier 2 bilingual or multilingual employee: Tier 2 employees have the language
316 proficiency to communicate directly with LEP or deaf or hard of hearing persons regarding

317 routine or common business matters. Tier 2 employees shall not serve as interpreters or
318 translators.

319 (4) An employee of a public-facing state agency who regularly acts as an interpreter or
320 translator shall be reasonably compensated for that additional work.

321 (5) A public-facing state agency shall ensure that all processes and procedures for staff to
322 request language access services require minimal approval or documentation and are not overly
323 burdensome.

324 (c) Training.

325 (1) Language access coordinators shall train employees about all processes and
326 procedures needed to effectively obtain and utilize all language access services mandated by
327 Section 2 of this Act as part of an employee's onboarding process and on an annual basis
328 thereafter.

329 (i) Training shall include (1) instruction on process and procedures for requesting
330 language access service, (2) guidance on how to effectively work with interpreters or translators
331 and (3) explanation of procedures for reporting deficiencies to language access services.

332 (2) A public-facing state agency shall ensure the provision of language access training for
333 an outside service provider.

334 Section 6. Language access advisory board.

335 (a) Mission, organization and institution.

336 (1) There shall be a language access advisory board to provide guidance and technical
337 assistance to public-facing state agencies in order to ensure equal access for LEP and deaf or
338 hard of hearing persons to services, programs, and activities offered by a public-facing state
339 agency.

340 (2) The board shall be co-chaired by a staff member from the office of access and
341 opportunity, and one other member of the advisory board elected by the board.

342 (3) The members of the advisory board shall be appointed within 6 months of the
343 effective date of this Act, and shall serve 4-year terms. Members whose terms have expired may
344 serve until a successor is appointed.

345 (4) The board shall meet no less than 4 times annually.

346 (b) Composition.

347 (1) The language access advisory board shall include: 3 members appointed by the
348 Massachusetts Immigrant and Refugee Advocacy Coalition from prevalent LEP populations
349 within Massachusetts, as determined by the most recent United States Census data; 1 member
350 appointed by the Disability Law Center from the deaf or hard of hearing community; 1 member
351 appointed by the Massachusetts Law Reform Institute; 1 member appointed by the
352 Massachusetts Appleseed Center for Law & Justice; 1 member appointed by the Massachusetts
353 Language Access Coalition; 1 member appointed by Greater Boston Legal Services; 1 member
354 appointed by the Justice Center of Southeast Massachusetts; 1 member appointed by MetroWest
355 Legal Services; 1 member appointed by the Central West Justice Center; and 1 member
356 appointed by the Northeast Justice Center.

357 (c) Advisory board responsibilities.

358 (1) The advisory board shall support public-facing state agencies to achieve compliance
359 with this Act by:

360 (i) providing guidance and technical assistance to the state agencies;

361 (ii) advising language access coordinators of public-facing state agencies in the
362 development and review of language access plans;

363 (iii) reviewing all assessments and surveys from state agencies as required by Section 4
364 of this Act; and

365 (iv) providing recommendations to state agencies to reduce identified barriers for the LEP
366 and deaf or hard of hearing persons.

367 (2) The language access advisory board, in formulating its recommendations, shall take
368 into account the best practices and policies in other states and jurisdictions, and may undertake
369 further steps to help state agencies achieve compliance with this Act.

370 Section 7. Reporting requirements.

371 (a) Upon a public-facing state agency's full implementation of this Act as required by
372 Section 11 and every 2 years thereafter, the agency shall submit to the office of access and
373 opportunity and the language access advisory board the following:

374 (1) the community needs assessment as stated in Section 4(a)(1);

375 (2) the language services inventory as stated in Section 4(b)(1); and

376 (3) the language access plan as stated in Section 3.

377 (b) Upon a public-facing state agency's full implementation of this Act as required by
378 Section 11 and every 2 years thereafter, the agency shall submit the language access status report
379 required by Section 4(b)(2) of this Act to the joint committee on ways and means, the joint
380 committee on state administration and regulatory oversight, the office of access and opportunity
381 and the language access advisory board.

382 (c) Upon a public-facing state agency's full implementation of this Act as required by
383 Section 11 and every year thereafter, the agency shall submit the language access database as
384 outlined in Section 5(a)(2) to the office of access and opportunity and the language access
385 advisory board.

386 (d) A public-facing state agency shall ensure, in reporting of all materials outlined in this
387 Section, that the following standards are maintained:

388 (1) all data is disaggregated and cross-tabulated by primary language, disability status,
389 race, ethnicity, age, gender and low-income status;

390 (2) all materials are made publicly available in the list of translated languages required by
391 Section 2(a)(2);

392 (3) all materials are presented in plain language; and

393 (4) all data is presented in a manner that protects the privacy of all surveyed persons.

394 Section 8. Relief.

395 (a) Any person claiming to be aggrieved by a public-facing state agency for failure in the
396 provision of language access services in order to provide equal access to services, programs, and
397 activities of a public-facing state agency according to the provisions of this Act shall have the
398 right to initiate and prosecute a civil action in the district, superior, housing, probate and family,
399 Boston municipal or land court department for injunctive and other appropriate equitable relief
400 or an award of actual and consequential damages.

401 (1) Should the person or persons prevail, they shall be entitled to an award of actual and
402 consequential damages, that is the costs of the litigation including expert witness fees, reasonable
403 attorneys' fees in an amount to be fixed by the court, and prejudgment and post judgment
404 interest.

405 (b) The Massachusetts commission against discrimination may commence a civil action
406 to seek relief for a violation of this Act.

407 (c) The attorney general may also commence a civil action to seek relief for a violation of
408 this Act.

409 Section 9. Office of access and opportunity.

410 (a) The office of access and opportunity within the governor's office shall have the
411 following responsibilities:

412 (1) accept and investigate complaints submitted to the office of access and opportunity by
413 persons who have been unable to obtain timely language access services in any public-facing
414 state agency;

415 (2) provide copies of all complaints annually as required by Section 5(a)(2) of this Act to
416 the language access advisory board;

417 (3) eliminate the language access barrier when an agency does not provide equal access
418 using informal methods, including conference, conciliation, mediation, or persuasion. Where the
419 language access barrier cannot be eliminated by informal methods, the office of access and
420 opportunity shall submit written compliance requirements to the public-facing state agency. The
421 office of access and opportunity may request the public-facing state agency to notify it within a
422 specified time of any action taken on its requirements, and may require a public-facing state
423 agency to increase the frequency of reporting required by Section 9(a)(2) of this Act every six
424 months, as needed, or as requested by the language access advisory board;

425 (4) create, in consultation with the language access advisory board, multilingual signage
426 informing LEP and deaf or hard of hearing persons of their right to free oral language services or
427 auxiliary aids and services, for dissemination to state agencies

428 (5) shall promulgate regulations no later than 1 year after the effective date of this Act
429 after receiving input from stakeholders and the language access advisory board; and

430 (6) identify additional state agencies that shall be subject to this Act upon its
431 determination in consultation with the language access advisory board.

432 (i) This determination shall be made:

433 A) in the 5th year following the enactment of this Act and every 5 years thereafter or at
434 the discretion of the office of access and opportunity in consultation with the language access
435 advisory board; and,

436 B) by conducting an inventory and evaluation of newly formed and existing state
437 agencies' engagement with the public.

438 Section 10. Conflicting law.

439 (a) In the event any law of the Commonwealth prescribes stronger protections, the
440 services, programs and activities of public-facing state agencies required by this Act shall be
441 subject to the stronger protections.

442 SECTION 3. Public-facing state agencies shall comply with the requirements set forth in
443 Sections 2, 3, 4, 5 and 7 of SECTION 2 of this Act in the manner established by the following
444 implementation schedule:

445 (a) On or before the second year after enactment, there shall be implementation by each
446 of the following public-facing state agencies and their divisions thereof:

447 (1) MassHealth;

448 (2) the department of children and families;

449 (3) the department of transitional assistance;

450 (4) the department of unemployment assistance; and

451 (5) all departments, divisions and offices within the executive office of housing and
452 livable communities that administer emergency shelter assistance, rental assistance, housing
453 subsidies or other housing benefits to state residents.

454 (b) On or before the third year after enactment, there shall be implementation by each of
455 the following public-facing state agencies and their divisions thereof:

456 (1) the department of early education and care

457 (2) the registry of motor vehicles;

458 (3) the department of public health; and

459 (4) the department of mental health.

460 (c) On or before the fourth year after enactment, there shall be implementation by each of
461 the following public-facing state agencies and their divisions thereof:

462 (1) the child support enforcement division of the department of revenue;

463 (2) the department of elementary and secondary education;

464 (3) the Massachusetts office on disability;

465 (4) the department of public utilities; and

466 (5) MassDigital.

467 (d) On or before the fifth year after enactment, there shall be implementation by each of
468 the following public-facing state agencies and their divisions thereof:

469 (1) the department of revenue;

470 (2) the executive office of health and human services, specifically,

471 (i) the department of youth services,

472 (ii) the department of developmental services,

473 (iii) the executive office of elder affairs,

- 474 (iv) MassAbility,
- 475 (v) the office for refugees and immigrants;
- 476 (3) the executive office of labor and workforce development, specifically,
- 477 (i) the department of family and medical leave,
- 478 (ii) the department of industrial accidents; and
- 479 (4) the executive office of public safety and security, specifically,
- 480 (i) the Massachusetts department of correction,
- 481 (ii) the department of fire services,
- 482 (iii) the Massachusetts state police,
- 483 (iv) the Massachusetts emergency management agency,
- 484 (v) the state 911 department.

485 SECTION 4. This Act shall take effect upon passage.